

REMARKS

Initially, Applicant thanks the Examiner for his time and cooperation during the telephone interview of September 14, 2005. During that interview, the Examiner and Applicant's attorney discussed a proposed claim forwarded to the Examiner by Applicant's attorney. The proposed claim is identical to claim 1 and currently amended in this Response. After considering the proposed claim, the Examiner agreed to enter the amendment and allow the claims so long as all issues under 35 U.S.C. § 112 were obviated.

REJECTIONS UNDER U.S.C. § 112

The Examiner has rejected claims 1 and 5 under U.S.C. § 112, first paragraph, as containing subject matter which is not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to use the invention.

In view of these rejections, claims 1 and 5 have been amended.

The Examiner has also rejected claims 2 and 6 under 35 U.S.C. § 112, first paragraph, as containing subject matter which is not described in the specification in such a way as enable one skilled in the art to which it pertains, or with which it is most nearly connected, to use the invention. During the telephone interview with the Examiner, the Examiner explained that he understood the recitation of claims 2 and 6 to include "alternative" recitation, but he was confused because of the use of the term "and." Applicant's attorney explained that the term "and" was used because Applicant chose to employ the traditional Markush language of "selected from the group consisting of . . . and" The Examiner indicated that he understood the recitation and that the rejection would be withdrawn.

The Examiner also rejected claims 1, 5-6 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Amendments made to claims 1 and 5 are believed to have obviated this rejection.

REJECTIONS UNDER 35 U.S.C. § 103

The Examiner has rejected claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Moller (WO 96/01304) in view of Benoit et al. (U.S. Patent No. 6,078,003).

During the telephone interview of September 14, 2005, Applicant's attorney respectfully requested reconsideration, and the Examiner agreed to allow the claim as amended. Applicant opines that the Examiner had failed to establish a *prima facie* case of obviousness because there is no teaching, suggestion, or motivation to combine the cited references. Additionally, combination of the cited references does not amount to the claimed invention. In particular, neither reference employs a catalyst solution. Instead, Moller teaches a fixed catalyst (See page 7, line 2).

CONCLUSION

In view of the foregoing amendments and arguments presented herein, the Applicant believes that he has properly set forth the invention and accordingly, respectfully requests the Examiner to reconsider the rejections provided in the last Office Action. A formal Notice of Allowance of claims 1-2 and 5-6 is earnestly solicited. Should the Examiner care to discuss any of the foregoing in greater detail, the undersigned attorney would welcome a telephone call.

Despite the addition of new claims 7-10, the total claim count is still below the total number of claims that can be filed without extra claims fees. Nonetheless, in the event that a fee required for the filing of this document is missing or insufficient, the undersigned attorney hereby authorizes the Commissioner to charge payment of any fees associated with this communication or to credit any overpayment to Deposit Account No. 06-0925.

Respectfully submitted,



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